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UNCLAS SECTION 01 OF 02 DUBAI 000278

SIPDIS

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SUBJECT: PHILIPPINE CONGEN LABOR ATTACHE DISCUSSES UAE LABOR ISSUES

REF: A. DUBAI 245; B. 07 DUBAI 570; C. 07 DUBAI 581

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SENSITIVE BUT UNCLASSIFIED

1. (U) Summary: In a meeting covering a broad range of labor topics, Dubai-based Philippine Labor Attache Virginia Calvez discussed with Pol/Econ Officer updates to the UAE-Philippine pilot project (ref A), including how this pilot would complement existing labor-related regulations implemented by the Philippine government (GOP). Calvez commended the excellent relationship with UAE government officials and noted that the positive atmosphere has greatly benefited the Filipino community in Dubai and the northern emirates. She did, however, suggest that the UAE Ministry of Labor (MOL) dedicate additional resources to dispute resolution so that cases can be processed in a more reasonable time frame. She also flagged ongoing concern over employment-seekers on visit visas who bypass the GOP employment assistance regime. End summary.

MOL Pilot Project in the Philippines

2. (SBU) Philippine ConGen Labor Attache Virginia Calvez told Pol/Econ Officer on July 8 that the recently-announced UAE pilot program would seek to link and/or enhance existing expatriate labor regulations in the Philippines for UAE-bound workers. Calvez explained that the GOP already has a comprehensive system of worker protections that apply to Filipino nationals worldwide (ref B). In most countries, all employment requests processed through Filipino recruitment agencies must pass through one of the Philippine Labor Attache offices, where staff members verify that the requested employment parameters meet the GOP's minimum standards (i.e., minimum wage, appropriate working conditions, suitable living accommodation, etc.). (Note: There are exceptions to this requirement; in countries where local labor standards meet or exceed those mandated by the GOP, labor requests are not vetted by the Labor Attache. End note.) If the job order does not meet these minimum requirements, the prospective worker will not be authorized to leave the Philippines on an employment visa.

Using Technology to Prevent Contract Switching

3. (SBU) Since the UAE does not recognize labor contracts signed outside of UAE territory, Calvez noted that the bilateral pilot project would likely focus, in part, on technical methods by which the signed contract could be electronically transferred to the satisfaction of both the UAE and GOP. (Note: The electronic transmission of labor contracts would greatly assist in the persistent fight against contract substitution, which often takes place during the transition of the contract from the recruitment agency in the sending country to the employer in the

receiving country. End note.) Calvez also speculated that the upcoming October visit of UAE Minister of Labor Saqr Ghobash to the Philippines would help facilitate the implementation of this system.

Visit Visas Still Abused

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¶4. (SBU) Calvez remarked that despite the protections implemented by the GOP, some Filipino nationals travel to the UAE on visit visas (as opposed to an employment visa) for the purposes of seeking work upon arrival (refs B & C). Using a tourist visa in order to search for employment, she stressed, places the individual at the mercy of unscrupulous employers or intermediaries, who often take advantage of desperate job seekers' lack of cultural understanding and/or knowledge of the labor system (i.e. contract terms, sponsorship requirements, legal protections, etc.). She underscored the importance of Filipino nationals relying on proper employment channels, which provide for very important pre-departure orientation training such as basic language and cultural awareness, information on terms/conditions of employment, and HIV/sexual education awareness.

Excellent Bi-lateral Relations

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¶5. (SBU) Calvez also highlighted the excellent bi-lateral relations between the Labor Attache's office and the various government entities in the UAE responsible for labor oversight. She commended the regular cooperation and communication with these officials and said disputes involving Filipino workers are typically resolved very quickly, either through the MOL's grievance system or in the labor courts. Calvez did note, however, that increasingly large labor caseloads often result in

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significant delays for the affected employee. She suggested that more MOL employees dedicated to labor adjudications, especially those with qualified language skills, could greatly improve the system's efficiency.

Comment

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¶6. (SBU) The GOP appears to be taking a proactive role in seeking to ensure that its 300,000 nationals in the UAE (approximately 218,000 in Dubai and the northern emirates and 85,000 in Abu Dhabi) benefit from the full range of protections under Philippine and UAE law. Still, as highlighted by Calvez, problems with contract substitution and abuse of visitor visas persist. The technological aspects of the new pilot project, if ultimately implemented, could help to close the loophole through which contract substitution can thrive. Moreover, some of the proposed visa regulations recently announced by the UAE, which increases tourist visa fees and mandates that some nationalities (the Philippines included) provide a security deposit meant to guarantee departure, could reduce the number of job seekers entering on tourist visas. If not, the UAE and GOP may be forced to address tourist visa abuse on a bilateral basis. End comment.

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